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| Bill no.: | L.C. | H.R. 1542 |
| Amendment no.: | 3 | |
| Date offered: | 4 | 26 01 |
| Disposition: | Withdrawn | |

AMENDMENT TO H.R.
OFFERED BY MR. RUSH OR MR. SAWYER
(broadband deployment)

At the end of the bill add the following new section:

1 **SEC. 7. ACCELERATED DEPLOYMENT OF BROADBAND**
2 **SERVICES.**

3 Title VII of the Communications Act of 1934 is
4 amended by inserting after section 714 (47 U.S.C. 714)
5 the following new section:

6 **SEC. 715. ACCELERATED DEPLOYMENT OF BROADBAND**
7 **SERVICES.**

8 “(a) BROADBAND SERVICES PLANS.—

9 “(1) PLAN REQUIRED.—Within 180 days after
10 the date of enactment of this section, each local ex-
11 change carrier shall submit to the State commission
12 in each State in which such carrier does business a
13 plan to provide broadband telecommunications serv-
14 ice to underserved subscribers in all local exchange
15 areas in which such carrier has telephone exchange
16 service customers, as soon as such broadband tele-
17 communications service is technically feasible. The
18 plan shall include all terms and conditions, including
19 pricing, under which the services shall be provided.
20 The test of technical feasibility shall be made sepa-



1 rately by the local exchange carrier for each local ex-
2 change, and the plan shall be considered certified 45
3 days after submission, unless the State commission
4 rejects the plan within such 45 days. Upon rejection
5 of a plan, successive plans shall be submitted until
6 approval is obtained.

7 “(2) IMPLEMENTATION; SUNSET.—The plan
8 shall be implemented within 180 days of the certifi-
9 cation of the plan in each local exchange in which
10 the provision of the service is technically feasible.
11 Upon certification of its plan, the carrier shall be ob-
12 ligated by terms of the plan (including any modifica-
13 tions that it requests that are thereafter certified),
14 but shall otherwise provide such services free of Fed-
15 eral and State price, rate, rate of return, and profit
16 regulation. Upon a determination by the State com-
17 mission that a local exchange is served by another
18 provider of broadband telecommunications services,
19 or any broadband Internet access transport provider,
20 or upon a determination by such State commission
21 that the local exchange carrier makes broadband
22 telecommunications services available to 70 percent
23 of the access lines in an exchange, a local exchange
24 carrier shall no longer be obligated by the terms of
25 any such plan in such local exchange.



1 “(3) STATE MODIFICATIONS PROHIBITED.—Ex-
2 cept upon request of the carrier, the State commis-
3 sion shall have no authority to modify any plan sub-
4 mitted pursuant to paragraph (1).

5 “(4) NO COMMISSION AUTHORITY.—Except as
6 provided in subsection (b)(2), the Commission shall
7 have no authority with respect to the terms of any
8 plan submitted pursuant to paragraph (1) of this
9 subsection and shall have no authority with respect
10 to the approval or rejection of any such plan.

11 “(b) DEFINITIONS.—

12 “(1) UNDERSERVED SUBSCRIBER.—

13 “(A) IN GENERAL.—The term ‘under-
14 served subscriber’ means a residential sub-
15 scriber residing in a dwelling located in an un-
16 derserved area or a rural area, or nonresidential
17 subscriber maintaining a permanent place of
18 business located in an underserved area or a
19 rural area.

20 “(B) UNDERSERVED AREA.—The term
21 ‘underserved area’ means any census tract—

22 “(i) the poverty level of which is at
23 least 30 percent (based on the most recent
24 census data); or



1 “(ii) the median family income of
2 which does not exceed—

3 “(I) in the case of a census tract
4 located in a metropolitan statistical
5 area, 70 percent of the greater of the
6 metropolitan area median family in-
7 come or the statewide median family
8 income; and

9 “(II) in the case of a census tract
10 located in a nonmetropolitan statis-
11 tical area, 70 percent of the non-
12 metropolitan statewide median family
13 income.

14 “(C) RURAL AREA.—The term rural area’
15 means any census tract which—

16 “(i) is not within 10 miles of any in-
17 corporated or census designated place con-
18 taining more than 25,000 people; and

19 “(ii) is not within a county or county
20 equivalent which has an overall population
21 density of more than 500 people per
22 square mile of land.

23 “(2) DESIGNATION OF CENSUS TRACTS.—The
24 Commission shall, not later than 90 days after the
25 date of the enactment of this section, designate and



- 1 publish those census tracts meeting the criteria de-
- 2 scribed in paragraph (1)(B) or (1)(C).

